No. 08-232

Supreme Court, U.S.
FILED
OCT 3 0 2008
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IN THE

Supreme Court of the United States

Bijan Daneshvar – Petitioner
V.
Graphic Technology, Inc. – Respondent

Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Tenth Circuit

PETITION FOR REHEARING

Bijan Daneshvar,
Petitioner, Pro Se
8238 Overland Park Drive
Overland Park, Kansas 66204
Telephone: (913) 226-7977

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STATUTES

Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.* 1

PETITION FOR REHEARING

Petitioner *pro se*, Bijan Daneshvar respectfully petitions for rehearing of the Court's October 6, 2008 denial of his petition for a writ of certiorari.

GROUNDS FOR REHEARING

1. REHEARING IS WARRANTED IN LIGHT OF THE FACT THAT RESPONDANT'S USE OF FALSIFIED DOCUMENTS TO OBTAIN SUMMARY JUDGMENT CONSTITUTES CLEAR AND UNMISTAKABLE ERROR.

Petitioner sought a writ of certiorari to United States Court of Appeals for the Tenth Circuit which was denied by this Court on October 6, 2008. Relief was sought to reverse the district courts grant of summary judgment and denial of a subsequent motion to grant relief from that judgment pursuant to Federal Rule of Civil Procedure 60(b).

Petitioner's original action was for employment discrimination in violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq. After the district court granted summary judgment, Petitioner sought relief from the judgment under Federal Rule of Civil Procedure 60(b) on the grounds of new discovered evidence relating to perjury, forgery and fraud. Petitioner contends that such evidence meets the Tenth Circuit's criteria by establishing "definite clear and unmistakable error." *Zurich N. Am. V. Matrix Serv., Inc.*, 426 F.3d. 1281, 1293 (10th Cir. 2005); *Bud Brooks v.*

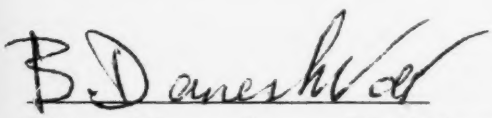
Bill Hodges Trucking Co., Inc., 909 F.2d 1437, 1440 (10th Cir. 1990).

In further support of this petition for rehearing, Petitioner refers the Court to the evidence of document falsification found at Appendix C of the Petition for Writ of Certiorari [and Appendix A in this Petition].

CONCLUSION

Accordingly, this Petition for Rehearing should be granted.

Respectfully submitted,



Bijan Daneshvar, Petitioner Pro Se

Date: October 30, 2008

APPENDIX

Appendix A

Wendy Carlson
Questioned Document Examiner
1550 Larimer Street, Suite 609 * Denver, Colorado 80202
Phone: 303-330-8636 * Fax: 303-265-9087
wendy@handwritingexpertdenver.com
www.HandwritingExpertDenver.com

Questioned Document Examiner Letter of Opinion

June 10, 2008
Subject: Chris Billings

I have examined one (1) document with the known handwriting and initials of Chris Billings[1]. For the purpose of this examination I have labeled this exhibit as "K1"[2].

Footnote by petitioner

[1] "K1" is the same document which attached by petitioner to United States Court of Appeals under Title of exhibits.

[2] Chris Billings was the production manager at the time which terminated prior to petitioner's termination by G.T.I. in relation to petitioner's discrimination claim. After sales of company without new owner's knowledge he rehired by the same human resource manager to be used for creation of back dated forged documents for Mark Ferguson, counsel for defendant. Chris Billings and Mark Ferguson created and forged more documents than the others involved in this matter of forgery.

Today I have compared the handwriting and initials of Chris Billings on the **"K"**[3] document to the handwriting and signatures on the Questioned document, identified herein as "Q1" to determine if the author of the handwriting and initials on the "K" document was the same person who authored the handwriting and name of Joe Thompson on the Questioned Document, a New Employee or Charge of Status Notice dated June 13, 2003.

Based upon thorough analysis of these items, and from an application of accepted forensic document examination, tools, principles and techniques, it is my professional opinion that the same person authored the handwriting and name of Joe Thompson on the Questioned Document. Chris Billings did indeed author the handwriting and name of Joe Thompson on the Questioned Document, Q1.

I am willing to testify to this fact in a court of law and I will prove to the Court that my opinion is correct. My Curriculum Vitae is attached and incorporated herein by reference.

Footnote by petitioner (continued)

[3] "K" document is part of defendant's attachments for summary judgment (DOC #80, 81-09/2005) and his response to plaintiffs opposition to defendant's second motion for summary judgment (DOC #113, 4/12/2006, page 10, 3rd paragraph) for cover up of discrimination.

Respectfully Submitted,

Signature
Wendy S. Carlson

State of Colorado)
) SS.
County of Denver)

Sworn and subscribed before me this 13th day of June 2008.

Bonnie K. Northrop
Notary Public
My commission expires 9/13/08